

EXHIBIT P

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August 9, 2005

Ms. Anastasia Fernands
 Goodwin Procter LLP
 599 Lexington Avenue
 New York, NY 10022

Re: BIS v. Red Bend (C.A. No. 04-11960-RWZ)(our reference no. J333802)

Dear Anastasia:

This letter responds to your letter of August 8. We disagree with your assertion that the issues raised in Plaintiff's Motion to Compel were not adequately conferenced as required by the rules. As you know, the discovery requests at issue were served March 4, 2005, and since then we have painstakingly and repeatedly attempted to resolve the issues addressed in the motion, but to no avail. At this point, Defendants have been dilatory for far too long. As you are aware, we have discussed these issues on at least March 28, May 20, May 23, June 6, July 15, and August 1, 2005. Accordingly, we will not withdraw our motion to compel. Of course, if you now provide all of the information and documents we have sought to compel, we will withdraw the motion provided that you agree to reimburse the attorneys' fees that went into drafting the motion.

As for the certification of compliance with Local Rule 7.1(A)(2) in our Motion to Amend the Scheduling Order, we have complied with the local rules, in that we stated in the first paragraph of the motion that "Plaintiff has attempted to come to agreement with Defendants Red Bend Software, Inc., Red Bend Software, Ltd., Time Warner, Inc., ICQ, Inc., and InstallShield Software Corp. (collectively, the "Defendants") regarding this motion, but Defendants continue to oppose it." However, since you insist upon putting form over substance, and in the interests of moving this motion along, we have today filed a supplement to the motion, which provides an explicit certificate of compliance with Local Rule 7.1(A)(2).

Anastasia Fernands
Goodwin Procter
August 9, 2005

As to the Proposed Scheduling Order, when we met and conferred on August 1, Ethan made it quite clear that he was not willing to even discuss amendment of the scheduling order unless we first agreed to his unilateral demand for a 30(b)(6) deposition to be conducted in New York City in August. If you have now changed your position, the dates we suggest are set out in our proposed scheduling order. If these dates are agreeable to you, prepare a stipulation, which we will join, and after it is filed, we will withdraw our motion.

Very truly yours,
GREENBLUM & BERNSTEIN


Caitlin Lhommedieu